



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

Monday, January 11, 2010

*Commissioner Joyce Avery, Chairman*  
*Commissioner Sidney Chism, Chairman Pro Tempore*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner George Flinn*

*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Deidre Malone*  
*Commissioner Edith Ann Moore*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

1/8/2010 2:37 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Joyce Avery

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Randal McCarty, Lead  
Pastor  
Cathedral of Praise Assembly of God

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

11/9/2009

11/23/2009

**CONSENT AGENDA**

## Resolutions of Memorial, Sympathy and Commendation

1. Memorial Resolution in Tribute to Ms. Caroline Kaye Lawler as a symbol of deepest gratitude for her distinguished service to the citizens of Shelby County. Sponsored by Commissioner Deidre Malone.

## Ordinances

## Zoning and Subdivisions

## Reports and/or Resolutions for Standing Committees

**GIBSON**  
Chairman, Budget and  
Finance Committee

2. Resolution to purchase HP Nonstop Virtual Tape Solution from Venture Technologies, Inc. in the amount of \$195,423.62 and this item requires expenditure of funds in the amount of \$195,423.62 from FY 2009-2010 Capital Improvement Project 909-201871-7077, Computer Equipment. Sponsored by Commissioner J.W.Gibson.

**GIBSON**  
Chairman, Budget and  
Finance Committee

3. Resolution amending the FY2010 operating budget of the Hotel Motel Tax Fund to provide for payment to the Memphis and Shelby County Sports Authority. This resolution is sponsored by Commissioner J. W. Gibson.

**GIBSON**  
Chairman, Budget and  
Finance Committee

4. Resolution approving expenditure of funds in the amount not to exceed \$87,000.00 for the purchase of one (1) air handling unit from Johnson Controls, Inc. for the renovation of the Shelby County Office Building at 157 Poplar; and this item requires expenditure of County CIP Funds in the amount of \$87,000.00 from the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar. Sponsored by Commissioner Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

5. Resolution approving expenditure of funds in the amount not to exceed \$46,220.00 for the purchase of two (2) boilers from Engineered Mechanical Equipment, Inc. for the renovation of the Shelby County Office Building at 157 Poplar; and this item requires expenditure of County CIP Funds in the amount of \$46,220.00 from the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar. Sponsored by Commissioner Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

6. Resolution approving expenditure of funds in the amount not to exceed \$17,168.00 for the purchase of five (5) variable frequency drives from Gorham/Schaffler dba G/S Automation for the renovation of the Shelby County Office Building at 157 Poplar; and this item requires expenditure of County CIP Funds in the amount of \$17,168.00 from the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar. Sponsored by Commissioner Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

7. Resolution to amend the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar, with a reduction of \$105,000.00, and to amend the FY 2009-2010 Budget for CIP Number 307371, Office Buildings, with an increase of \$105,000.00, to provide for relocation of District Attorney General office space located at 157 Poplar, and to amend the appropriation made in Resolution No. 4 adopted on October 19, 2009. Sponsored by Commissioner Deidre Malone. (AMENDED IN COMMITTEE 1/6/10)

**GIBSON**

Chairman, Budget and  
Finance Committee

8. Resolution approving contract in the amount not to exceed \$49,100.00 with Medfac Engineering, LLC for providing engineering services for elevator modernization at 157 Poplar, and this item requires expenditure of County CIP Funds in the amount of \$49,100.00 from the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar. Sponsored by Commissioner Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

9. Resolution approving contract in the amount not to exceed \$127,028.00 with Jessie Bryant Roofing for roof replacement at 157 Poplar; and this item requires expenditure of County CIP Funds in the amount of \$127,028.00 from the FY 2009-2010 Budget for CIP Number 307372, 157 Poplar. Sponsored by Commissioner Deidre Malone.

**GIBSON**

Chairman, Budget and  
Finance Committee

10. Resolution approving contract in the amount not to exceed \$588,898.00 with Barnes & Brower, Inc. for renovating restroom facilities for Americans with Disabilities Act (ADA) Compliance at 201 Poplar; and this item requires expenditure of County CIP Funds in the amount of \$588,898.00 from the FY 2009-2010 Budget for CIP Number 307371, Office Buildings. Sponsored by Commissioner Deidre Malone.

**MALONE**

Chairman, Public  
Works Committee

11. A resolution approving an intergovernmental agreement and temporary construction easement with the City of Olive Branch, Mississippi for road improvements to Stateline Road. Sponsored by Commissioner Deidre Malone.

**MALONE**

Chairman, Public  
Works Committee

12. A resolution approving a contract with Chris Hill Construction in the amount of \$2,388,945.00 and \$50,000.00 for an extra work allowance for a total amount of \$2,438,945.00 for the construction of the Midtown to Shelby Farms Park Greenway Bike/Pedestrian Trail; and approving an amendment to the management agreement with the Shelby Farms Park Conservancy; and accepting and appropriating federal through state grant funds in the amount of \$1,500,000.00; and amending the FY 2009-2010 General Operating and Capital Improvement Projects budgets; and this item requires expenditures of federal through state grant funds in the amount of \$1,500,000.00; and private donor grant funds in the amount of \$275,000.00; and County CIP matching funds in the amount of \$375,000.00; and County CIP contingency funds in the amount of \$288,945.00 for a total expenditure of \$2,438,945.00 for said contract. Sponsored by Commissioner Deidre Malone.

**MALONE**

Chairman, Public  
Works Committee

13. Resolution requesting the Shelby County Administration and the administration of the Town of Collierville to expeditiously proceed with any and all necessary procedures to carry out the agreement with the Town of Collierville to treat the wastewater from Cotton Creek area as approved by Resolution No. 23 adopted September 22, 2008 by the Board of County Commissioners. Sponsored by Commissioner Deidre Malone. (ADD-ON IN COMMITTEE 1/6/09)

**CHISM**

Chairman, Law  
Enforcement  
Committee

14. A resolution amending the FY10 Budget in the amount of \$406,757.00 to allow the acceptance and expenditure of reimbursement funds from Sprint Nextel for costs incurred in the rebanding of radios throughout the Sheriff's Office and other County agencies in the amount of \$406,757.00. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 1/6/10)

**CHISM**

Chairman, Law  
Enforcement  
Committee

15. A resolution amending the capital improvement project previously approved for Fiscal Year 2010 and approving a contract with Descon, Inc. and appropriating funds in the amount of \$124,995.00 from Capital Improvement Project Number 101527 for the renovation of the restroom facility at the Shelby County Sheriff's Office Firearms Training Unit and this item requires expenditure of Capital Improvement Program Funds in the amount of \$124,995.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

16. A resolution approving a sub-award to Fayette County Emergency Management Agency (EMA) on behalf of Shelby County Office of Preparedness in the amount of \$100,000.00 in accordance with the 2008 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass thru funds in the amount of \$100,000.00 under the U.S. Department of Homeland Security Grant Programs. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 1/6/10)

**CHISM**

Chairman, Law  
Enforcement  
Committee

17. A resolution approving the expenditure of funds by the Office of Preparedness to Motorola and amending the FY 2010 Operating Budget in the amount of \$196,188.20 to Motorola, for portable radios requested by the City of Germantown, and this item requires the expenditure of pass thru grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$196,188.20. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 1/6/10)

**CHISM**

Chairman, Law  
Enforcement  
Committee

18. Resolution approving an amendment to the lease agreement adopted June 1, 2009 as Item No. 9, leasing Fire Station #65, located at 2870 Rockcreek Parkway, in the County of Shelby, to the City of Memphis, acting through the City's Fire Services Division to provide fire services and assistance in firefighting for residents annexed into the City of Memphis and authorizing the Shelby County Mayor to execute the amendment to agreement. Sponsored by Commissioner Wyatt Bunker.

**FLINN**

Chairman, General  
Government  
Committee

19. Resolution receiving and filing the oath of office and a copy of the bond for Interim Mayor Joe Ford and directing the County Attorney to record the bond in the office of the Shelby County Register. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, General  
Government  
Committee

20. Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner George Flinn.

**BROOKS**

Chairman, Core City  
Committee

21. Resolution to amend the Shelby County Budget for FY 2010 in the amount of \$1,519,632.00 by establishing operating fund number 228 to accurately account for the expenditure of funds for the period of January 1, 2010 through June 30, 2010 under a new lead based paint hazard control grant from the U.S. Department of Housing and Urban Development and to appropriate said funds. This item requires an expenditure of federal grant funds in the amount of \$1,519,632.00. Sponsored by Commissioner Henri E. Brooks. (AMENDED IN COMMITTEE 1/6/10)

**BROOKS**

Chairman, Delinquent  
Tax Property  
Committee

22. Resolution approving the sale of nine (9) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 97.5, 0102, 0201, 0204, 0304, 0306, and 0406, to identified purchasers at various prices collectively totaling \$49,100.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri E. Brooks.

***R E G U L A R   A G E N D A*****Elections, Appointments, and Confirmations****FLINN**

Chairman, General  
Government  
Committee

23. Resolution electing an interim County Commissioner for District 4, Position 3. Sponsored by Chairman Joyce Avery.

**FLINN**

Chairman, General  
Government  
Committee

24. Resolution electing an interim representative for District 85 of the Tennessee House of Representatives. Sponsored by Chairman Joyce Avery.

**FLINN**

Chairman, General  
Government  
Committee

25. Resolution approving the County Mayor's nomination of David Brackstone for appointment to the Shelby County Ethics Commission. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, General  
Government  
Committee

26. Resolution approving the County Mayor's nomination of Pamela Beasley and Warren Funk for reappointment to the Shelby County Conservation Board. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, General  
Government  
Committee

27. Resolution approving appointment of the three employee members to the Unified Personnel Policy Committee (UPPC). Sponsored by Commissioner George Flinn.

## Ordinances

### **GIBSON**

Chairman, Budget and  
Finance Committee

28. [ORDINANCE - SECOND READING - An Ordinance amending Shelby County Code of Ordinances Section 2-56 to 2-71 to update the Shelby County, Rules and Regulations to reflect significant change made. Sponsored by Commissioner Deidre Malone \(AMENDED IN COMMITTEE 1/6/10 AND DEFERRED TO 1/25/10\)](#)

## Zoning and Subdivisions

### **RITZ**

Chairman, Land Use  
Committee

29. [CASE NO. S.U.P. 09-217 CO](#)  
APPLICANT: Memphis Stone & Gravel  
Company  
LOCATION: West side of Millington-Arlington  
Road; 1,400 feet west of Osborn town Road  
REQUEST: Sand and gravel mining  
RECOMMENDATIONS:  
Memphis and Shelby County Office of Planning and  
Development:  
APPROVAL WITH CONDITIONS  
Memphis and Shelby County Land Use Control  
Board:  
APPROVAL WITH CONDITIONS  
(Notice of public hearing published in the Daily  
News on Friday, December 11, 2009.)

## Reports and/or Resolutions for Standing Committees

### **CHISM**

Chairman, Law  
Enforcement  
Committee

30. [A resolution approving a sub-award to the City of Bartlett on behalf of Shelby County Office of Preparedness in the amount of \\$102,144.00 in accordance with the 2008 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass through funds in the amount of \\$102,144.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.](#)

### **FLINN**

Chairman, General  
Government  
Committee

31. [Resolution to Amend Shelby County Retirement System Plan B to Add an Automatic Cost of Living Adjustment for Certain Retirees and Survivors. Sponsored by Commissioner J. W. Gibson. \(AMENDED IN COMMITTEE 1/6/10\)](#)



**FLINN**

Chairman, General  
Government  
Committee

32. [Resolution to amend Shelby County Retirement System Plan B to add an automatic Cost of Living Adjustment for certain retirees and survivors for calendar years 2010, 2011, and 2012. Sponsored by Commissioner J.W. Gibson, II. \(WITHDRAWN IN COMMITTEE 1/6/10\)](#)

**FLINN**

Chairman, General  
Government  
Committee

33. [Resolution to amend the FY 2010 Operating Budget to appropriate additional funds in the amount of \\$50,000.00 for the Tire Recycling Program, and to amend the interlocal agreement with the City of Memphis to extend the tire redemption program and this item requires the expenditure of County General Funds in the amount of \\$50,000.00. Sponsored by Commissioner Steve Mulroy.](#)

**BROOKS**

Chairman, Core City  
Committee

34. [Resolution by the Board of Commissioners of Shelby County urging the creation of a joint City/County task force for the purpose of identifying, evaluating and recommending effective short and long-term strategies, tools and public policy solutions for increasing inner city development, redevelopment, employment, revitalization and economic development rebirth as viable and sustainable green communities. Sponsored by Commissioner Henri E. Brooks. \(AMENDED AND FAILED IN COMMITTEE 1/6/10\)](#)

**Announcements/Statements**

35. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of James R. Liles for appointment to the Memphis and Shelby County Electrical Code Board. Sponsored by Commissioner George Flinn. b) Resolution concurring in the County Mayor's appointment of Cary C. Woods as Divorce Referee of Shelby County, Tennessee. Sponsored by Commissioner George Flinn.

### **Adjournment**

36. Resolution of adjournment to Monday, January 25, 2010 at 1:30 p.m.